

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:
In the Matter of

Municipality of San Juan,

Dr. Javier J Antón Hospital, San Juan
Center for Diagnostic and Treatment
(a/k/a the Rio Piedras CDT),

Docket No. RCRA-02-2007-7112

REGIONAL HEARING
CLERK

2008 JUL 22 AM 10:51

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2

Joint Motion Requesting Extension of Time to File Executed Consent Agreement and Final Order.

COME NOW Complainant, the U.S. Environmental Protection Agency ("EPA") and Respondent, the Municipality of San Juan through the undersigned attorneys (together, the "Parties"), and respectfully allege, pray and request as follows:

On this day, July 17, 2008, Respondent and Complainant reached an agreement in principle dispositive of all matters asserted in the Administrative Complaint in the form of a cash penalty.

The Parties are engaged in settlement discussions in order to reach an agreement as to the final language and terms of the Consent Agreement and Final Order ("CA/FO"). Once the CA/FO is finalized it will be placed into concurrence within several EPA officers located in Region 2's San Juan and New York offices for their review and concurrence. Also, in order to file a duly executed CA/FO, the Municipality of San Juan needs to submit the negotiated Agreement before the Municipal Assembly in order to obtain its approval prior to the Mayor's approval and signature. Afterwards, the signature of the Regional Administrator is required. Once this process concludes, the fully executed CA/FO will immediately be filed.

This Motion has been filed today in order to request that the Prehearing Exchange process be stayed in order to fully dedicate our efforts in completing and executing the Agreement and Order.

Complainant has prepared its Prehearing Exchange which would entail the need to make copies of hundreds of pages, when in fact they will not be ultimately used. Complainant's submittal is due tomorrow July 18, 2008. The parties agree that it would be more useful to request an extension of time to file the fully executed Consent Agreement and Final Order, than to have to comply at this moment with the Prehearing Exchange and make copies of hundreds of pages. In addition, we wish to notify that during this process,

the local government has numerous state holidays, among them, July 21st, July 25th and July 28th.

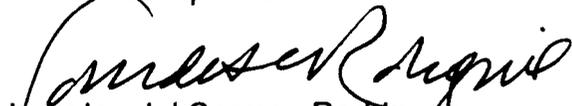
We respectfully request from the Honorable Susan L. Biro, Chief Administrative Law Judge, take notice of the agreement reached by the parties, the above information regarding compliance with the Prehearing Order, and of the progress made in formalizing this agreement in a fully executed CA/FO.

Due to the complexity of the review and concurrence process within the Agency and between the parties in order to finalize a fully executed CA/FO, the Parties request the Honorable Susan L. Biro, grant an extension until September 30, 2008 in order to file the duly executed Consent Agreement and Final Order and notify its execution to the Presiding Officer.

In order to expedite the filing of this Motion, the parties agreed that it be signed and filed by Complainant's attorney.

Respectfully submitted, by facsimile in San Juan, Puerto Rico, this July 17th, 2008.

For the Complainant:



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Agency, R2**
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Municipality of San Juan

Docket No. RCRA-02-2005-7112

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing *Joint Motion Informing Agreement in Principle Reached by the Parties and Requesting Extension of Time*, and bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and copy by facsimile, **Overnight Mail** to:

Karen Maples
Regional Hearing Clerk
Region II
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866
Fax (212) 637-3202.

Copy by facsimile to:

Attorneys for Respondent:

Rafael Machargo, Esq.
Fax: (787) 703-0336

Jorge R. Quintana-Lajara, Esq.
Fax (787) 283-9994

Copy by facsimile to:

Chief Administrative Law Judge:
The **Honorable Susan L. Moran**
Office of Administrative Law Judges
U.S. Environmental Protection Agency
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005
Fax (202) 565-0044.
Att: Lisa Knight, Esq.

In San Juan, July 17th 2005